

#### 117TH CONGRESS 1ST SESSION

# S. 3189

To amend title XX of the Social Security Act to provide a pathway to health careers through health profession opportunity grants.

### IN THE SENATE OF THE UNITED STATES

November 4, 2021

Mr. Heinrich (for himself, Mr. Wyden, Mr. Luján, Mr. Murphy, Mr. Blumenthal, and Ms. Rosen) introduced the following bill; which was read twice and referred to the Committee on Finance

# A BILL

- To amend title XX of the Social Security Act to provide a pathway to health careers through health profession opportunity grants.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,
  - 3 SECTION 1. SHORT TITLE.
  - 4 This Act may be cited as the "Pathways to Health
  - 5 Careers Act".
  - 6 SEC. 2. PATHWAYS TO HEALTH CAREERS.
  - 7 Effective October 1, 2021, title XX of the Social Se-
  - 8 curity Act (42 U.S.C. 1397-1397n-13) is amended by
  - 9 adding at the end the following:

### **D**—Career "Subtitle **Pathways** 1 Through Health Profession Op-2 portunity Grants 3 4 "SEC. 2071. CAREER PATHWAYS THROUGH HEALTH PRO-5 FESSION OPPORTUNITY GRANTS. 6 "(a) Application Requirements.—An eligible en-7 tity desiring a grant under this section for a project shall 8 submit to the Secretary an application for the grant, that 9 includes the following: "(1) A description of how the applicant will use 10 11 a career pathways approach to train eligible individ-12 uals for health professions that will put eligible indi-13 viduals on a career path to an occupation that pays 14 well, under the project. "(2) A description of the adult basic education 15 16 and literacy activities, work readiness activities, 17 training activities, and case management and career 18 coaching services that the applicant will use to assist 19 eligible individuals to gain work experience, connec-20 tion to employers, and job placement, and a descrip-21 tion of the plan for recruiting, hiring, and training 22 staff to provide the case management, mentoring, 23 and career coaching services, under the project di-24 rectly or through local governmental, apprenticeship,

educational, or charitable institutions.

1	"(3) A demonstration that the applicant has ex-
2	perience working with low-income populations, or a
3	description of the plan of the applicant to work with
4	a partner organization that has the experience.
5	"(4) A plan for providing post-employment sup-
6	port and ongoing training as part of a career path-
7	way under the project.
8	"(5) A description of the support services that
9	the applicant will provide under the project, includ-
10	ing a plan for how child care and transportation
11	support services will be guaranteed and, if the appli-
12	cant will provide a cash stipend or wage supplement,
13	how the stipend or supplement would be calculated
14	and distributed.
15	"(6) A certification by the applicant that the
16	project development included—
17	"(A) consultation or commitment to con-
18	sult with a local workforce development board;
19	"(B) consideration of registered appren-
20	ticeship and pre-apprenticeship models;
21	"(C) consideration of career pathway pro-
22	grams in the State in which the project is to be
23	conducted; and

1	"(D) a review of the State plan under sec-
2	tion 102 or 103 of the Workforce Innovation
3	and Opportunity Act.
4	"(7) A description of the availability and rel-
5	evance of recent labor market information and other
6	pertinent evidence of in-demand jobs or worker
7	shortages.
8	"(8) A certification that the applicant will di-
9	rectly provide or contract for the training services
10	described in the application.
11	"(9) A commitment by the applicant that, if the
12	grant is made to the applicant, the applicant will—
13	"(A) during the planning period for the
14	project, provide the Secretary with any informa-
15	tion needed by the Secretary to establish ade-
16	quate data reporting and administrative struc-
17	ture for the project;
18	"(B) hire a person to direct the project not
19	later than the end of the planning period appli-
20	cable to the project;
21	"(C) accept all technical assistance offered
22	by the Secretary with respect to the grant;
23	"(D) participate in peer technical assist-
24	ance conferences as are regularly scheduled by
25	the Secretary; and

1	"(E) provide all data required by the Sec-
2	retary under subsection (g).
3	"(b) Additional Application Element.—In con-
4	sidering applications for a grant under this section, the
5	Secretary shall require qualified applicants to have at least
6	1 of the following application elements—
7	"(1) applications submitted by applicants to
8	whom a grant was made under this section or any
9	predecessor to this section;
10	"(2) applications submitted by applicants who
11	have business and community partners in each of
12	the following categories:
13	"(A) State and local government agencies
14	and social service providers, including a State
15	or local entity that administers a State program
16	funded under part A of this title;
17	"(B) institutions of higher education, ap-
18	prenticeship programs, and local workforce de-
19	velopment boards; and
20	"(C) health care employers, health care in-
21	dustry or sector partnerships, labor unions, and
22	labor-management partnerships;
23	"(3) applications that include opportunities for
24	mentoring or peer support, and make career coach-
25	ing available, as part of the case management plan:

1	"(4) applications which describe a project that
2	will serve a rural area in which—
3	"(A) the community in which the individ-
4	uals to be enrolled in the project reside is lo-
5	cated;
6	"(B) the project will be conducted; or
7	"(C) an employer partnership that has
8	committed to hiring individuals who successfully
9	complete all activities under the project is lo-
10	cated;
11	"(5) applications that include a commitment to
12	providing project participants with a cash stipend or
13	wage supplement; and
14	"(6) applications which have an emergency cash
15	fund to assist project participants financially in
16	emergency situations.
17	"(c) Grants.—
18	"(1) Competitive grants.—
19	"(A) Grant Authority.—
20	"(i) In General.—The Secretary
21	shall make a grant in accordance with this
22	paragraph to an eligible entity whose appli-
23	cation for the grant is approved by the
24	Secretary, to conduct a project designed to
25	train low-income individuals for allied

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health professions, health information technology, physician assistants, nursing assistants, registered nurse, advanced practice nurse, and other professions considered part of a health care career pathway model.

"(ii) Guarantee of grantees in EACH STATE AND THE DISTRICT OF CO-LUMBIA.—For each grant cycle, the Secretary shall award a grant under this paragraph to at least 2 eligible entities in each State that is not a territory, to the extent there are a sufficient number of applications that have a high likelihood of success and that are submitted by the entities that meet the requirements applicable with respect to such a grant. If, for a grant cycle, there are fewer than 2 such eligible entities in a State that have submitted applications with a high likelihood of success, the Secretary shall identify qualified eligible applicants located elsewhere, that are otherwise approved but un-funded, and issue a Substitution of Grant and tailored technical assistance. In the preceding sentence, the

term 'issue a Substitution of Grant' means, in a case in which an approved grantee does not complete its full project period, or in which there are fewer than 2 qualified grantees per State with a high likelihood of success, substitute an applicant located in another State that was approved but un-funded during the competition for the award for the award recipient.

"(B) GUARANTEE OF GRANTS FOR INDIAN POPULATIONS.—The Secretary shall award a grant under this paragraph to at least 10 eligible entities that are an Indian tribe, a tribal organization, or a tribal college or university, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.

"(C) GUARANTEE OF GRANTEES IN THE TERRITORIES.—The Secretary shall award a grant under this paragraph to at least 2 eligible entities that are located in a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the re-

1	quirements applicable with respect to such a
2	grant.
3	"(2) Grant cycle under
4	this section shall be not less than 5 years, with a
5	planning period of not more than the first 12
6	months of the grant cycle. During the planning pe-
7	riod, the amount of the grant shall be in such lesser
8	amount as the Secretary determines appropriate.
9	"(d) USE OF GRANT.—
10	"(1) In general.—An entity to which a grant
11	is made under this section shall use the grant in ac-
12	cordance with the approved application for the
13	grant.
14	"(2) Support to be provided.—
15	"(A) Required support.—A project for
16	which a grant is made under this section shall
17	include the following:
18	"(i) An assessment for adult basic
19	skill competency, and provision of adult
20	basic skills education if necessary for
21	lower-skilled eligible individuals to enroll in
22	the project and go on to enter and com-
23	plete post-secondary training, through

means including the following:

1	"(I) Establishing a network of
2	partners that offer pre-training activi-
3	ties for project participants who need
4	to improve basic academic skills or
5	English language proficiency before
6	entering a health occupational train-
7	ing career pathway program.
8	"(II) Offering resources to enable
9	project participants to continue ad-
10	vancing adult basic skill proficiency
11	while enrolled in a career pathway
12	program.
13	"(III) Embedding adult basic
14	skill maintenance as part of ongoing
15	post-graduation career coaching and
16	mentoring.
17	"(ii) A guarantee that child care is an
18	available and affordable support service for
19	project participants through means such as
20	the following:
21	"(I) Referral to, and assistance
22	with, enrollment in a subsidized child
23	care program.
24	"(II) Direct payment to a child
25	care provider if a slot in a subsidized

1	child care program is not available or
2	reasonably accessible.
3	"(III) Payment of co-payments
4	or associated fees for child care.
5	"(iii) Case management plans that in-
6	clude career coaching (with the option to
7	offer appropriate peer support and men-
8	toring opportunities to help develop soft
9	skills and social capital), which may be of-
10	fered on an ongoing basis before, during,
11	and after initial training as part of a ca-
12	reer pathway model.
13	"(iv) A plan to provide project partici-
14	pants with transportation through means
15	such as the following:
16	"(I) Referral to, and assistance
17	with enrollment in, a subsidized trans-
18	portation program.
19	"(II) If a subsidized transpor-
20	tation program is not reasonably
21	available, direct payments to subsidize
22	transportation costs.
23	For purposes of this clause, the term
24	'transportation' includes public transit, or
25	gasoline for a personal vehicle if public

1	transit is not reasonably accessible or
2	available.
3	"(B) ALLOWED SUPPORT.—The goods and
4	services provided under a project for which a
5	grant is made under this section may include
6	the following:
7	"(i) A cash stipend.
8	"(ii) A reserve fund for financial as-
9	sistance to project participants in emer-
10	gency situations.
11	"(iii) Tuition, certification exam fees,
12	and training materials such as books, soft-
13	ware, uniforms, shoes, connection to the
14	internet, hair nets, and personal protective
15	equipment.
16	"(iv) In-kind resource donations such
17	as interview clothing and conference at-
18	tendance fees.
19	"(v) Assistance with accessing and
20	completing high school equivalency or adult
21	basic education courses as necessary to
22	achieve success in the project and make
23	progress toward career goals.
24	"(vi) Assistance with programs and
25	activities, including legal assistance.

1	deemed necessary to address arrest or con-
2	viction records as an employment barrier.
3	"(vii) Other support services as
4	deemed necessary for family well-being,
5	success in the project, and progress toward
6	career goals.
7	"(3) Training.—The number of hours of train-
8	ing provided to an eligible individual under a project
9	for which a grant is made under this section, for a
10	recognized postsecondary credential (including an in-
11	dustry-recognized credential, and a certificate
12	awarded by a local workforce development board),
13	which is awarded in recognition of attainment of
14	measurable technical or occupational skills necessary
15	to gain employment or advance within an occupa-
16	tion, shall be—
17	"(A) not less than the number of hours of
18	training required for certification in that level
19	of skill by the State in which the project is con-
20	ducted; or
21	"(B) if there is no such requirement, such
22	number of hours of training as the Secretary
23	finds is necessary to achieve that skill level.
24	"(4) Inclusion of tanf recipients.—In the
25	case of a project for which a grant is made under

1	this section that is conducted in a State that has a
2	program funded under part A of title IV, at least 10
3	percent of the eligible individuals to whom support
4	is provided under the project shall meet the income
5	eligibility requirements under that State program,
6	without regard to whether the individuals received
7	benefits or services directly under that State pro-
8	gram.
9	"(5) Income limitation.—An entity to which
10	a grant is made under this section shall not use the
11	grant to provide support to a person who is not an
12	eligible individual.
13	"(6) Prohibition.—An entity to which a grant
14	is made under this section shall not use the grant
15	for purposes of entertainment, except that case man-
16	agement and career coaching services may include
17	celebrations of specific career-based milestones such
18	as completing a semester, graduation, or job place-
19	ment.

- 20 "(e) TECHNICAL ASSISTANCE.—
- 21 "(1) IN GENERAL.—The Secretary shall provide
  22 technical assistance—
- 23 "(A) to assist eligible entities in applying 24 for grants under this section;

1	"(B) that is tailored to meet the needs of
2	grantees at each stage of the administration of
3	projects for which grants are made under this
4	section;
5	"(C) that is tailored to meet the specific
6	needs of Indian tribes, tribal organizations, and
7	tribal colleges and universities;
8	"(D) that is tailored to meet the specific
9	needs of the territories;
10	"(E) that is tailored to meet the specific
11	needs of applicants, eligible entities, and grant-
12	ees, in carrying out dedicated career pathway
13	projects pursuant to subsections (h) and (i);
14	and
15	"(F) to facilitate the exchange of informa-
16	tion among eligible entities regarding best prac-
17	tices and promising practices used in the
18	projects.
19	"(2) Continuation of Peer Technical As-
20	SISTANCE CONFERENCES.—The Secretary shall con-
21	tinue to hold peer technical assistance conferences
22	for entities to which a grant is made under this sec-
23	tion or was made under the immediate predecessor

of this section. The preceding sentence shall not be

- 1 interpreted to require any such conference to be held
- 2 in person.
- 3 "(f) EVALUATION OF DEDICATED CAREER PATH-
- 4 WAYS.—
- 5 "(1) IN GENERAL.—The Secretary shall, by
- 6 grant, contract, or interagency agreement, conduct
- 7 rigorous and well-designed evaluations of the dedi-
- 8 cated career pathway projects carried out pursuant
- 9 to subsections (h) and (i).
- 10 "(2) REQUIREMENT APPLICABLE TO SECOND
  11 CHANCE CAREER PATHWAY.—In the case of a
- project of the type described in subsection (i), the
- evaluation shall include identification of successful
- activities for creating opportunities for developing
- and sustaining, particularly with respect to low-in-
- 16 come individuals with arrest or conviction records, a
- health professions workforce that has accessible
- entry points, that meets high standards for edu-
- cation, training, certification, and professional devel-
- opment, and that provides increased wages and af-
- 21 fordable benefits, including health care coverage,
- that are responsive to the needs of the workforce.
- 23 "(3) Requirement applicable to maternal
- MORTALITY CAREER PATHWAY.—In the case of a
- project of the type described in subsection (h), the

1 evaluation shall include identification of successful 2 activities for creating opportunities for developing 3 and sustaining, particularly with respect to low-income individuals and other entry-level workers, a ca-5 reer pathway that has accessible entry points, that 6 meets high standards for education, training, certifi-7 cation, and professional development, and that pro-8 vides increased wages and affordable benefits, in-9 cluding health care coverage, that are responsive to 10 the needs of the birth, pregnancy, and post-partum workforce.

12 "(g) Reports.—As a condition of funding, an eligi-13 ble entity awarded a grant to conduct a project under this 14 section shall submit interim reports to the Secretary on 15 the activities carried out under the project, and, on the conclusion of the project, a final report on the activities. 16

## "(h) MATERNAL MORTALITY CAREER PATHWAY.—

"(1) Grant Authority.—The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education for professions such as doulas, lactation consultants, childbirth educators, infant massage therapists, newborn care specialists, midwives, and other community health worker professions, for individuals to enter

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- and follow a dedicated career pathway in the field of pregnancy, childbirth, or post-partum services in a State that recognizes doulas or midwives as health care providers and that provides payment for services provided by doulas or midwives, as the case may be, under the State plan approved under title XIX.
- "(2) DURATION.—A grant awarded under this subsection shall have the same grant cycle as is provided in subsection (c)(2), and as a condition of funding the grantee shall comply with all data reporting requirements associated with the grant cycle.
- "(3) APPLICATION REQUIREMENTS.—An entity seeking a grant under this subsection for a project shall submit to the Secretary an application for the grant, that includes the following:
  - "(A) A description of the partnerships, strategic staff hiring decisions, tailored program activities, or other programmatic elements of the project that are designed to support a strong career pathway in pregnancy, birth, or post-partum services.
  - "(B) A demonstration that the State in which the project is to be conducted recognizes and permits doulas and midwives to practice in the State.

1 "(C) A demonstration that the applicant 2 has experience working with low-income popu-3 lations, or a description of the plan of the appli-4 cant to work with a partner that has the experi-5 ence.

"(4) SUPPORT TO BE PROVIDED.—The recipient of a grant under this subsection for a project shall provide required supportive services described in subsection (d)(2)(A) to project participants who need the services, and may expend the funding on eligible supportive services described in subsection (d)(2)(B).

### "(i) SECOND CHANCE CAREER PATHWAY.—

"(1) Grant authority.—The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education and training for eligible individuals with arrest or conviction records to enter and follow a career pathway in the health professions through occupations that are expected to experience a labor shortage or be in high demand.

"(2) DURATION.—A grant awarded under this subsection shall have the same grant cycle as is provided in subsection (c)(2), and as a condition of

funding the grantee shall comply with all data reporting requirements associated with the grant cycle.

- "(3) APPLICATION REQUIREMENTS.—An entity seeking a grant under this subsection for a project shall submit to the Secretary an application for the grant, that includes the following:
  - "(A) A demonstration that the State in which the project is to be conducted has in effect policies or laws that permit certain allied health and behavioral health care credentials to be awarded to people with certain arrest or conviction records (which policies or laws shall include appeals processes and other opportunities to demonstrate rehabilitation to obtain licensure and approval to work in the proposed health careers), and a plan described in the application which will use a legally permitted career pathway to train people with such a record to be trained and employed in such a career.
  - "(B) A discussion of how the project or future strategic hiring decisions will demonstrate the experience and expertise of the project in working with job seekers who have arrest or conviction records or employers with experience

1	working with people with arrest or conviction
2	records.
3	"(C) A demonstration that the applicant
4	has experience working with low-income popu-
5	lations, or a description of the plan of the appli-
6	cant to work with a partner that has the experi-
7	ence.
8	"(D) An identification of promising inno-
9	vations or best practices that can be used to
10	provide the training.
11	"(E) A proof of concept or demonstration
12	that the applicant has done sufficient research
13	on workforce shortage or in-demand jobs for
14	which people with certain types of criminal
15	records can be hired.
16	"(F) A plan for recruiting students who
17	are eligible individuals into the project.
18	"(G) A plan for providing post-employment
19	support and ongoing training as part of a ca-
20	reer pathway under the project.
21	"(4) Support to be provided.—
22	"(A) REQUIRED SUPPORT.—A recipient of
23	a grant under this subsection for a project shall
24	provide—

1	"(i) access to legal assistance for
2	project participants for the purpose of ad-
3	dressing arrest or conviction records and
4	associated workforce barriers;
5	"(ii) assistance with programs and ac-
6	tivities deemed necessary to address arrest
7	or conviction records as an employment
8	barrier; and
9	"(iii) required supportive services de-
10	scribed in subsection (d)(2)(A) to partici-
11	pants who need the services, and may ex-
12	pend funds on eligible supportive services
13	described in subsection (d)(2)(B).
14	"(j) Definitions.—In this section:
15	"(1) Allied Health Profession.—The term
16	'allied health profession' has the meaning given in
17	section 799B(5) of the Public Health Service Act.
18	"(2) CAREER PATHWAY.—The term 'career
19	pathway' has the meaning given that term in section
20	3(7) of the Workforce Innovation and Opportunity
21	Act.
22	"(3) Doula.—The term 'doula' means an indi-
23	vidual who—
24	"(A) is certified by an organization that
25	has been established for not less than 5 years

1	and that requires the completion of continuing
2	education to maintain the certification, to pro-
3	vide non-medical advice, information, emotional
4	support, and physical comfort to an individual
5	during the individual's pregnancy, childbirth,
6	and post-partum period; and
7	"(B) maintains the certification by com-
8	pleting the required continuing education.
9	"(4) ELIGIBLE ENTITY.—The term 'eligible en-
10	tity' means any of the following entities that dem-
11	onstrates in an application submitted under this sec-
12	tion that the entity has the capacity to fully develop
13	and administer the project described in the applica-
14	tion:
15	"(A) A local workforce development board
16	established under section 107 of the Workforce
17	Innovation and Opportunity Act.
18	"(B) A State or territory, a political sub-
19	division of a State or territory, or an agency of
20	a State, territory, or such a political subdivi-
21	sion, including a State or local entity that ad-
22	ministers a State program funded under part A
23	of this title.
24	"(C) An Indian tribe, a tribal organization,
25	or a tribal college or university.

1	"(D) An institution of higher education (as
2	defined in the Higher Education Act of 1965).
3	"(E) A hospital (as defined in section
4	1861(e)).
5	"(F) A high-quality skilled nursing facility.
6	"(G) A Federally qualified health center
7	(as defined in section 1861(aa)(4)).
8	"(H) A nonprofit organization described in
9	section $501(c)(3)$ of the Internal Revenue Code
10	of 1986, a labor organization, or an entity with
11	shared labor-management oversight, that has a
12	demonstrated history of providing health profes-
13	sion training to eligible individuals.
14	"(I) In the case of a project of the type
15	provided for in subsection (h) of this section, an
16	entity recognized by a State, Indian tribe, or
17	tribal organization as qualified to train doulas
18	or midwives, if midwives or doulas, as the case
19	may be, are permitted to practice in the State
20	involved.
21	"(J) An opioid treatment program (as de-
22	fined in section 1861(jjj)(2)), and other high
23	quality comprehensive addiction care providers.
24	"(5) ELIGIBLE INDIVIDUAL.—The term 'eligible
25	individual' means an individual whose family income

- does not exceed 200 percent of the Federal poverty level.
- "(6) FEDERAL POVERTY LEVEL.—The term Federal poverty level' means the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved).
- 9 "(7) INDIAN TRIBE; TRIBAL ORGANIZATION.—
  10 The terms 'Indian tribe' and 'tribal organization'
  11 have the meaning given the terms in section 4 of the
  12 Indian Self-Determination and Education Assistance
  13 Act (25 U.S.C. 450b).
  - "(8) Institution of Higher Education.—
    The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B) of the Higher Education Act of 1965.
  - "(9) TERRITORY.—The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.
- "(10) Tribal college or university' has the meaning term 'tribal college or university' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.

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1	"(k) Funding.—In addition to amounts otherwise
2	available, there is appropriated to the Secretary—
3	"(1) $$318,750,000$ for grants under subsection
4	(c)(1)(A) for each of fiscal years 2022 through
5	2026;
6	"(2) $$17,000,000$ for grants under subsection
7	(c)(1)(B) for each of fiscal years 2022 through
8	2026;
9	"(3) $$21,250,000$ for grants under subsection
10	(c)(1)(C) for each of fiscal years 2022 through
11	2026;
12	(4) \$25,500,000 for projects conducted under
13	subsections (h) and (i) for each of fiscal years 2023
14	through 2026;
15	"(5) $$25,500,000$ , plus all amounts referred to
16	in paragraphs (1) through (4) of this subsection that
17	remain unused after all grant awards are made for
18	the fiscal year, for each of fiscal years 2022 through
19	2026, for the provision of technical assistance and
20	administration; and
21	(6) \$17,000,000 for each of fiscal years 2022
22	through 2026 for studying the effects of the projects
23	for which a grant is made under this section, and for
24	administration, for the purpose of supporting the
25	rigorous evaluation of the projects, and supporting

- the continued study of the short-, medium-, and long-term effects of all such projects, including the effectiveness of new or added elements of the
- 4 projects.".

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